

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013041196
v.	
POWAY UNIFIED SCHOOL DISTRICT,	
POWAY UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013050342
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On April 29, 2013, Student's parent on behalf of Student (Student) filed a request for due process hearing in Office of Administrative Hearings (OAH) case number 2013041196 (First Case), naming the Poway Unified School District (District).

On May 10, 2013, the District filed a request for due process hearing in OAH case number 2013050342 (Second Case), naming Student.

On May 24, 2013, the parties filed a joint Motion to Consolidate the First Case with the Second Case and to continue the hearings dates in both cases.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, the appropriateness of the District's assessments. Both parties desire consolidation, and consolidation will further the interests of justice and judicial economy. Accordingly, consolidation is granted.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of Student's complaint in OAH Case Number 2013041196 (the First Case).
3. The parties' joint Motion to Continue is granted. All dates previously set in both cases are hereby vacated.

The new dates are as follows:

Telephonic Prehearing Conference (PHC): Monday, September 9, 2013, at 1:30 p.m.¹

Due Process Hearing: September 17 and 18, 2013, at 9:30 a.m.

Mediation: The parties may contact Sacramento OAH to set a mutually convenient mediation date.

Dated: May 29, 2013

/s/

SUSAN RUFF

Administrative Law Judge

Office of Administrative Hearings

¹ The parties requested a telephonic PHC on Wednesday, September 11, 2013. However, the OAH weekly PHC days may be changing after July 1, 2013. Therefore, the PHC is set on the Monday closest to the date requested.